

SECOND REGULAR SESSION

# HOUSE BILL NO. 1134

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES RELFORD, SEIGFREID AND WHORTON (Co-sponsors).

Pre-filed December 4, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2694L.011

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### AN ACT

To repeal sections 254.020 and 254.040, RSMo, and to enact in lieu thereof three new sections relating to forestry.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 254.020 and 254.040, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 254.020, 254.040, and 254.225, to read as follows:

254.020. As used in this chapter, the following words [shall have the following meanings] **mean:**

(1) [The word "commission" shall mean] **"Best management practices", forest management practices, as defined by the commission, that ensure protection of water quality;**

(2) **"Commission"**, the conservation commission of Missouri upon which[, by the terms hereof impressed,] are vested the responsibilities for the administration [hereof in conformity] **of this chapter in conformance** with sections 40 to 46 of article IV of the Constitution of Missouri; and the words "rules and regulations" shall mean those made by the commission pursuant thereto;

[(2)] (3) "Conservation commission fund" [as used in this chapter, shall mean], only the moneys arising from the additional sales and use taxes provided for in section 43(a) of article IV of the Constitution of Missouri;

[(3)] (4) "Forest croplands" [shall mean], those lands devoted exclusively to growing wood and timber, except for such other uses as shall be approved by the commission by

**EXPLANATION 6 Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

16 regulations and which are tendered to the commission by any person and accepted and classified  
17 by the commission as such; and the commission shall prescribe the terms and conditions of such  
18 tender, acceptance and classification;

19 [(4) The word "person" shall mean] **(5) "Person"**, any individual, male or female,  
20 singular or plural, of whatever age[, and this term]. **The term person** shall include and refer to  
21 any owner, grantee, lessee, licensee, permittee, firm, association, copartnership, corporation,  
22 municipality or county, as the context may require;

23 **(6) "Precommercial forestry activities", proper forest management activities, as**  
24 **defined by the commission, that do not generate an immediate profit for the landowner;**

25 [(5) The title "state forester" shall mean] **(7) "State forester"**, the administrative head  
26 of the state forestry program;

27 **(8) "Sustainable forestry principles", forest management activities, as defined by**  
28 **the commission, that ensure efficient use and continued availability of forest resources.**

254.040. 1. Any person desiring to have lands designated as forest croplands shall  
2 submit an application [therefor] to the state forester on [form or] forms [to be] provided by the  
3 commission. The state forester [will] **shall** make or cause to be made an examination of the  
4 lands covered by [said] **such** application and shall forward a copy of [same] **such application**,  
5 together with his **or her** recommendations, to the commission. If the commission [approve and  
6 classify] **approves and classifies such** lands as forest croplands, they shall be subject to the  
7 provisions of this chapter and [such] rules and regulations **promulgated pursuant to this**  
8 **chapter.**

9 2. If the commission [refuse so] **refuses** to accept and classify [said] **such** lands, the  
10 applicant may appeal [from] the decision of the commission to the circuit court in which such  
11 lands, or major part [thereof] **of such lands**, are located and the decision of the circuit court in  
12 all such matters shall be final.

13 3. No application **to designate lands as forest croplands** shall be accepted for a tract  
14 of land containing less than twenty acres; and no such land shall be classified for tax relief if the  
15 value thereof shall exceed one hundred twenty-five dollars per acre or a greater value as set by  
16 regulation of the commission.

17 **4. No application for the cost-share incentive program established in section**  
18 **254.225 shall be accepted for lands designated as forest croplands.**

**254.225. 1. The commission may administer a forest landowner cost-share**  
2 **incentive program to promote sustainable forestry on private lands. Such program may**  
3 **provide reimbursement cost share for up to fifty percent of the cost of precommercial**  
4 **forestry activities on eligible lands. Eligible forestry activities shall be carried out in**  
5 **accordance with best management practices and sustainable forestry principles.**

6           **2. Any forest landowner may submit a program application to the state forester on**  
7 **forms provided by the commission. Application procedures and acceptance criteria shall**  
8 **be specified by the commission.**

9           **3. No application for such program shall be accepted for a tract of land containing**  
10 **less than forty acres. The total amount of incentives provided to any person shall not**  
11 **exceed five thousand dollars in any calendar year.**